

A month end meeting of the Town Board of the Town of Moreau was held on October 25, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of auditing vouchers.

Supervisor Jenkins called the meeting to order at 6:30 p.m.

The Town Clerk called the roll.

Town Board Members Present

Tom Cumm	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Bob Prendergast	Councilwoman
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Also Present: Jeanne Fleury, Town Clerk; Rudy Klick, Special Projects Aide; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; Adele Kurtz, Town Resident; Reed Antis, Planning Board Alternate Member and Town Resident (arrived at 6:45 p.m.); Bob Vittengl, Recreation Commission Member & Town Resident (arrived at 6:56 p.m.); Huguette Delvaux, Town Resident (arrived at about 6:56 p.m.); Jesse Fish, Water Superintendent (arrived at 6:59 pm.); Andre Delvaux, Village Resident & Chief Operations Officer of the Moreau Emergency Squad (arrived at 7:01 p.m.); Elizabeth Lanfear, Recreation Commission Member & Town Resident (arrived at 7:01 p.m.)

The meeting began with questions about vouchers and some action required on the Town Board's part before approval of the vouchers could be given.

There was a voucher in for audit from the highway department for the emergency repair of the roof on the highway garage. There was a leak and water was leaking into the lights. Only one price was obtained and that was from KMK Roofing & Sheet Metal, the company that repaired the roof about four years ago according to the highway superintendent. He said that he was lucky to get anyone to come and repair the roof on such short notice. The cost was \$545.25 and approval of a purchase order in this amount was needed before the voucher could be approved for payment.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the issuance of a purchase order in the amount of \$545.25 made out to KMK Roofing & Sheet Metal for the emergency repair of the roof on the highway garage.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Councilman Kusnierz referred to Voucher #2280 which he said was for reimbursement for the purchase of Teddy Bears for Moreau Fund Days in the amount of \$50.49. He didn't sign the voucher, because he said it is illegal for a political subdivision to make donations.

Councilwoman LeClair stated it was not a donation. It was a purchase of teddy bears that were thrown and given to kids at Moreau Fun Days. It is an item that will be submitted to Saratoga County for reimbursement as part of the "kids" activities at Moreau Fun Days.

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Supervisor Jenkins stated that Saratoga County has approved all the expenses for Moreau Fun Days through the Saratoga County Youth Program.

Councilman Kusnierz asked if it would be a pass through and Councilwoman LeClair replied yes.

Supervisor Jenkins stated that approval was needed for repair work by TKC General Engineering on the landfill cap out of the Landfill Maintenance Capital Reserve Account. He explained how the board initially authorized a payment in the amount of \$10,000.00 for repair work to the landfill cap. The board then discussed additional work that needed to be done in the amount of \$4,954.08 and Liz Rovers from C.T. Male was given the go ahead to have TKC do the work, but the board never voted on it formally. He then explained how there was erosion after torrential rains and additional repairs had to be made. The cost for these repairs was \$6,893.00, which the board formally approved.

Councilman Kusnierz asked when the board discussed this and Supervisor Jenkins referred to the June 28th Town Board Minutes.

Councilman Kusnierz asked what the total increase was over the initial amount of \$10,000.00 that was approved by the board.

Rudy Klick replied that the total bill is \$20,824.88.

Supervisor Jenkins stated that the \$4,954.08 was for netting that was added to prevent further erosion.

Rudy Klick stated that part of the \$4,954.08 was for labor; there was a couple of day's worth of additional work by TKC.

Councilman Kusnierz asked what the threshold is for public works contracts. He asked if it is \$20,000.00 or \$35,000.00.

The Town Clerk replied \$30,000.00 or \$35,000.00. It was changed some time ago and Supervisor Jenkins advised that it was changed about three years ago.

Councilman Kusnierz asked if they were violating the public works threshold and Supervisor Jenkins replied no.

Supervisor Jenkins asked Rudy Klick if it came in under the \$4,954.08 and Rudy Klick replied yes, if they added up the total bill, it came in about \$1,000.00 less.

Councilman Kusnierz asked if this amount includes professional services rendered by C.T. Male and Rudy Klick replied no.

Supervisor Jenkins asked for a resolution to raise the \$16,893.00 to \$20,824.88.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the increase from \$16,893.00 to \$20,824.88.

Councilman Kusnierz said that he was not comfortable approving this. Without counsel being here he could not be sure if this was deemed a purchase contract. The threshold for purchase contracts is \$20,000.00 under the Town's procurement policy.

Supervisor Jenkins stated that \$6,893.00 of this amount was additional work based on storm damage and not part of the original work.

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Councilman Kusnierz stated that it was the same contractor who did the work though.

Supervisor Jenkins stated that this contractor has the county contract for maintenance.

Councilman Kusnierz asked if this work was done under county contract.

Supervisor Jenkins replied no, they have the county contract, but it doesn't mean they did this work under county contract.

Councilman Kusnierz stated that he remembered the detailed discussion on this, but he wasn't aware that the total cost had risen above the \$20,000.00 mark.

Supervisor Jenkins stated that it was three different instances.

Councilman Kusnierz replied yes, but it has been lumped under one contract, which could be construed to be piece meal and we "didn't put it out there". He said that was okay, the Supervisor could call the roll.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Cumm	Yes
Councilman Prendergast	Absent
Supervisor Jenkins	Yes

A bill from C.T. Male was discussed next. Rudy Klick explained that the board could pay the \$3,593.53 under the original contract. There is additional work that hasn't been done yet this year, so they will run over their contract, because we added in the construction and observation. The construction and observation is in the amount of \$3,368.75 and there will be an additional \$2,665.51 for testing and reporting based on Liz Rover's calculations. Rudy stated that the board should approve a not to exceed amount of \$11,971.30. \$11,058.00 was already paid and there is a difference of approximately \$900.00. It will cost \$3,578.00 for the rest of the work that will be done this year, which is testing, annual reporting and semi-annual reporting. The additional amount is \$2,665.51 if Liz's calculations are correct.

Supervisor Jenkins asked for a motion to increase the contract with C.T. Male by \$2,665.51.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the contract with C.T. Male to be increased by the amount of \$2,661.51.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

Supervisor Jenkins stated that the board didn't approve Cornell Training for Brian Huntley and Thomas Olsen who work for the highway department. The cost was \$40.00 each for the course.

Councilman Kusnierz recalled that when this request came before the Town Board initially it wasn't approved, because there wasn't enough money in the account. He asked if money has been transferred into that account.

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Paul Joseph replied yes. He explained how the course was cancelled and then it was rescheduled two days before the course was supposed to be held and both employees attended. They received a lot of up-to-date information and it was a good course.

Councilman Kusnierz asked why it happened without board approval.

Paul Joseph replied that it was because of the turn-around time. He didn't get the times, because he was out of town the day it came in.

Councilman Kusnierz asked Paul Joseph if he was sure the money was in the account and Paul Joseph replied yes.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the registration fee of \$40.00 each for Brian Huntley and Thomas Olsen who attended the Cornell Highway Training Course to be paid.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Councilman Kusnierz referred to a voucher for attorney fees and in particular 1.1 hours of legal services rendered on September 21st regarding the Woodstone files, reviewing and exchanging e-mails, memo to Peggy, etc. He asked if the Town Board no longer gets copies of that kind of correspondence between department heads and legal counsel, because they always used to.

Supervisor Jenkins stated that essentially it was about our withdrawal of our approval for lack action.

Councilman Kusnierz asked if this was the approval that the board gave way back and Supervisor Jenkins replied yes.

Councilman Kusnierz said "we did".

Supervisor Jenkins replied yes and then said that they withdrew and then they wanted us to give them an extension on their time.

Councilman Kusnierz said "which we did not agree to?"

Supervisor Jenkins replied "right".

Councilman Kusnierz asked Supervisor Jenkins if he could get a copy of that memo.

Supervisor Jenkins said he could find him a copy.

Councilman Kusnierz referred to a bill for legal services in the amount of \$12,500.00 for a bond issue resolution and research. He asked if the board, by resolution, directed counsel to do that.

Rudy Klick replied that it was part of the EFC.

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Councilman Kusnierz said he knows that it needed to be done, but it kind of surprised him, because the board members received notification today from a company that is a bond.... (He was interrupted by Rudy Klick and Supervisor Jenkins and couldn't finish his sentence.)

Rudy Klick said he thought there was board approval.

Supervisor Jenkins stated that it is part of the project contract.

Councilman Kusnierz stated that there is a firm that has an office in New York State and all over the world which will do bond resolutions and research for \$2,500.00 for existing customers and \$3,500.00 for new customer. If there is going to be a big ticket item like this, then it is something we should be looking into. It is a significant difference.

Rudy Klick said there was a contract that was approved and signed.

Supervisor Jenkins stated that it was part of the EFC agreement.

Councilman Kusnierz said he understood that they had to have a bond resolution, but does it say that they have to use a specific firm?

Supervisor Jenkins replied no.

Councilman Kusnierz replied okay.

Supervisor Jenkins stated that under the contract with the EFC they are the named firm.

Supervisor Jenkins stated that approval was needed for 100 "No Parking" signs purchased by the highway department from J. C. Smith in the amount of \$1,065.00 out of account A3310.498. The board approved no parking areas, but they never approved the purchase of the signs.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of 100 "No Parking" signs from J.C. Smith at an amount not to exceed \$1,065.00 out of account A3310.498.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

A Main Care Energy bill was in for audit in the amount of \$1,359.19 for fuel oil for the court house. The purchase of fuel oil was approved at the organizational meeting and it is under state contract, but it is over \$500.00 so Rudy Klick didn't know if the board needed a purchase order to go along with the voucher.

Supervisor Jenkins stated that if the board approved the vendor at the Organizational Meeting and it is under state contract then the board doesn't need to approve it just because it is over \$500.00.

Supervisor Jenkins noted that a voucher from Garry Robinson, Engineer, for work done in April was being held from audit while the Town waits on funds from Schermerhorn into the Trust & Agency Account.

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Councilman Cumm stated that there was a palette deposit charge on a bill from Saratoga Sod Farm.

Steve Gram stated that they don't normally charge us a palette deposit.

Councilman Cumm asked if the palette was going back and the charge was going to be reversed and Steve Gram replied yes.

There was a voucher in for audit from North Country Radiator for repair to an air conditioning unit on a highway vehicle in the amount of \$169.00 for labor. Then 7 or 8 days later the vehicle went back in and they charged us again. Councilman Cumm questioned this and Paul Joseph replied that the vehicle was being driven down the road and a sensor blew out and they lost all the Freon. It was a totally different part than what was originally repaired.

Councilman Kusnierz referred to Voucher #2337 that was for attorney fees. He said there was a charge of .8 hours and .5 hours from former legal counsel to prepare a resolution for recreation reserve funds, correspondence to Councilwoman LeClair and follow up with Councilwoman LeClair to revise capital project reserve fund and create new rec. fund. He stated that if counsel is being directed to take action on something that the whole board will ultimately be asked to vote on, before the Town taxpayers expend money to cover that legal cost, there should be a resolution from this board that directs counsel to do that. It shouldn't be done unilaterally. He has seen it happen before. There is a developing trend here and he doesn't think it is the appropriate way to do business in this Town.

Councilwoman LeClair replied that the board discussed it and none of the board members had any objections to it.

Councilman Kusnierz asked if there was a resolution directing counsel to do this.

Councilwoman LeClair replied no there was not a resolution.

Councilman Kusnierz replied thank you.

Supervisor Jenkins asked for a motion and second to pay bills as audited.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to pay bills as audited.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Absent
Supervisor Jenkins	Yes

AUDITED CLAIMS:

GENERAL FUND – A ACCOUNT:

Claim nos. 2215, 2217-2218, 2224-2225, 2228, 2230-2231, 2233-2235,
2239-2282, 2336-2347, 2373-2374, 2381, 2386-2388, 2394-2396, 2399

\$ 70,199.97

TOWN OUTSIDE FUND – B ACCOUNT:

Claim nos. 2283-2304, 2375, 2382

\$ 2,016.38

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HIGHWAY FUND – DB ACCOUNT:

Claim nos. 2305-2335, 2372 \$131,363.00

SEWER DISTRICT I FUND - GI ACCOUNT:

Claim nos. 2232, 2385 \$ 182.16

HIGHWAY CAPITAL PROJECT FUND – HH ACCOUNT:

Claim nos. 2214, 2226, 2348-2353, 2370 \$377,631.08

WATER DISTRICT I EXTENSION 2 CAPITAL PROJECT FUND – HI ACCOUNT:

Claim nos. 2219-2223, 2237-2238 \$761,885.44

WATER DISTRICT 1 FUND – I ACCOUNT:

Claim nos. 2354-2355 \$ 12,494.25

WATER DISTRICT 2 FUND – II ACCOUNT:

Claim nos. 2227, 2356-2360, 2383-2384, 2389 \$ 1,675.09

WATER DISTRICT 4 FUND – IV ACCOUNT:

Claim nos. 2376, 2391 \$ 275.01

LANDFILL RESERVE FUND – LF ACCOUNT:

Claim nos. 2361, 2400-2401 \$ 25,347.73

MOREAU INDUSTRIAL PARK FUND – SP ACCOUNT:

Claim nos. 2362 \$ 13.00

WATER DISTRICT 3 FUND – III ACCOUNT:

Claim nos. 2390 \$ 2.08

TRUST & AGENCY FUND – TA ACCOUNT:

Claim nos. 2216, 2363-2365 \$ 6,131.24

TRANSFER STATION FUND – TS ACCOUNT:

Claim nos. 2236, 2366-2369, 2371, 2377-2380 \$ 6,455.82

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WATER DISTRICT 5 FUND – V ACCOUNT:

Claim nos. 2392 \$ 53.08

WATER DISTRICT 6 FUND – VI ACCOUNT:

Claim nos. 2229, 2393 \$ 202.42

This concluded the Month-End Audit Meeting at 7:05 p.m.

Respectfully submitted,

Jeanne Fleury
Town Clerk